

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

JUAN MANUEL FLORES

VS.

**LG CHEM, LTD. AND LG CHEM
AMERICA, INC.**

C.A. No.: 1:16-cv-297

JURY DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

1.0

PARTIES

- 1.1 Plaintiff is an individual residing in Cameron County, Texas. He is a citizen of Texas.
- 1.2 Defendant LG Chem, Ltd. is a Korean company doing business in Texas. It may be served at LG Twin Towers 128, Yeoui-daero, Yeongdeungpo-gu, Seoul, 150-721, Korea.
- 1.3 Defendant LG Chem America, Inc. is a Delaware corporation doing business in Texas, which may be served with process through its registered agent, Corporation Service Company, 211 E. 7th St., Suite 620, Austin, Texas 78701.

2.0

JURISDICTION AND VENUE

- 2.1 Defendants are subject to both specific and general personal jurisdiction in Texas.
- 2.2 Defendants design and manufacture thousands of lithium ion batteries which are shipped to Texas, and sell thousands of such batteries each year in Texas.
- 2.3 Defendants placed a LGDBHG21865 lithium ion battery into the stream of commerce and derived substantial revenue from sale and distribution in Texas.
- 2.4 Venue is proper in the Southern District of Texas because the incident out of which this lawsuit arises occurred in Cameron County, Texas.

3.0

FACTS

- 3.1 Defendants designed, tested, selected parts and materials for, engineered, manufactured, assembled, labeled, and put into the stream of commerce a LGDBHG21865 lithium ion battery.
- 3.2 The battery was defective in that it carried an unreasonable risk to explode, ignite, and/or cause fire while being stored in a reasonably foreseeable way; for example, in a pant pocket.
- 3.3 Safer alternative designs existed, such as use of appropriate and sufficient material to prevent short circuit and/or heat generation.
- 3.4 Defendants chose not to use appropriate and sufficient materials in the battery, and failed to warn consumers that the batteries that lacked these appropriate and sufficient materials were dangerous and defective.
- 3.5 On or about June 28, 2016, Plaintiff was carrying the LGDBHG21865 battery identified above in his pant pocket.
- 3.6 The battery exploded, combusted, vented with flames, sustained rapid disassembly or thermal runaway, (that is, the battery “failed”) and caused Plaintiff to suffer serious burns and injuries.

4.0

CAUSES OF ACTION

- 4.1 **Strict Product Liability.** The LGDBHG21865 battery was defective in its design and manufacture.
 - 4.1.1 The design of the battery was defective in that the design did not protect against “failure” (as described in paragraph 3.6).
 - 4.1.1.1 Defendants failed to warn of the dangers of the LGDBHG21865 battery.
 - 4.1.1.2 Safer alternative designs existed that were economically and technologically feasible, and that would have prevented Plaintiff’s injuries.
 - 4.1.1.3 These design defects were producing and proximate causes of Plaintiff’s

injuries and damages.

4.2.1 In the alternative, the battery was defectively manufactured in that the battery deviated in its construction or quality from the specifications or planned output in a manner that rendered the battery unreasonably dangerous and prone to “failure” (as described in paragraph 3.6).

4.2.1.1 Defendants are strictly liable for Plaintiff’s injuries, as the defectively manufactured battery was a producing and proximate cause of Plaintiff’s injuries.

4.2 **Negligence.**

4.2.1 Defendants were negligent in the design of the LGDBHG21865 battery .

4.2.1.1 Defendants’ negligent acts included the failure to use the type, quality, and quantity of materials that would protect battery owners from battery “failure” (as described in paragraph 3.6).

4.2.1.2 This negligence was a proximate cause of Plaintiff’s injuries and damages.

4.2.2 Pleading in the alternative, Defendants were negligent in manufacturing the LGDBHG21865 battery.

4.2.2.1 The battery was defective when it left the hands of the Defendants, in that the battery was prone to “failure” (as described in paragraph 3.6). In this way, the battery deviated in its construction or quality from the specifications or planned output in a manner that rendered the battery unreasonably dangerous.

4.2.2.2 The defect was a producing and proximate cause of Plaintiff’s injuries.

4.2.3 Defendants were negligent in failing to warn consumers, including Plaintiff, that foreseeable use and storage of the LGDBHG21865 battery could result in battery “failure” (as described in paragraph 3.6).

4.2.3.1 Defendants knew or should have known that consumers, including Plaintiff, would foreseeably suffer injury as a result of Defendants’ failure to warn.

4.2.3.2 This negligence was a proximate cause of Plaintiff’s injuries.

5.0

DAMAGES

- 5.1 As a direct and proximate result of Defendants' negligence and the battery's defects, Plaintiff sustained severe burn injuries. Plaintiff seeks the following elements of damages:
- a. Medical care, past and future;
 - b. Pain and suffering, past and future;
 - c. Mental anguish, past and future;
 - d. Lost wages and earning capacity, past and future;
 - e. Physical impairment, past and future;
 - f. Loss of enjoyment of life, past and future; and
 - g. Disfigurement, past and future.
- 5.2 These damages exceed the Court's jurisdictional minimum and exceed \$75,001.00. Plaintiff also seeks prejudgment interest, postjudgment interest, and court costs.
- 5.3 Further, Defendants' conduct constitutes gross negligence, as that term is defined in Chapter 41 of the Texas Civil Practice and Remedies Code. Therefore, Plaintiff also seeks to recover exemplary damages.

6.0

JURY DEMAND

- 6.1 Plaintiff hereby demands a jury trial.

In conclusion, Plaintiff prays that the Court enter judgment against Defendants, jointly and severally, for compensatory and punitive damages, prejudgment interest, postjudgment interest, and court costs.

Respectfully submitted,

/s/ Michael J. Blanchard

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